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August 10, 2007

VIA FACSIMILE

Hon. Victor Marrero, U.S.D.J.
United States Courthouse
500 Pearl Street, Suite 660
New York, New York 10007

Re: *Globecon v. Intuition Publishing, Inc. et al.*
SDNY Docket No.: 07 Civ. 2817 (Marrero)

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8-13-07

Dear Judge Marrero:

I am counsel for the plaintiff in the above matter. As per my letter of August 2, 2007, I had planned to file an amended complaint by today. However, as a result of the poor filing and cataloguing system in place when my client acquired the copyrighted material in question from its predecessor in interest, Globecon Group, Ltd., I was unable to confirm that the allegedly infringed material is the same as the deposits supporting the registrations. I therefore, cannot in good conscience file the proposed amended complaint until I am satisfied that the actually deposited material was infringed.

When filed, we are highly confident the amended complaint will provide ample evidence of and demonstrate without doubt the verbatim copying by the defendant Patrick Pancoast of plaintiff Globecon's material previously registered with the U.S. Copyright Office. Defendant Intuition has confirmed that they have acquired this material from Patrick Pancoast and, upon information and belief, we understand they have published the same. See attached letter from Intuition's counsel.

My client strongly believes that the documents alleged to be infringing are the same as those deposited in the US Copyright Office in support of the registrations. However, I personally cannot at this moment confirm with certainty that the materials in Globecon's possession are indeed actual copies of the deposits at the U.S. Copyright Office as opposed to revisions of same.

In order for me to confirm infringement of the actual deposits, my only recourse now is to requisition from the U.S. Copyright Office copies of all the deposits made by Globecon. I was advised by the U.S. Copyright Office that I can expect the copies of the deposits by September 28, 2007.

I recognize and gratefully appreciate the indulgence of both the Court and Intuition's counsel in previously permitting plaintiff the additional time to file an amended complaint that articulates further specific details about the alleged infringement. While we secure the original documents from the U.S. Copyright Office, I beg the continued indulgence by the Court and Intuition's counsel in extending the time file the amended complaint to October 5, 2007. We believe it is in everyone's best interest to permit the additional time necessary to secure the materials from the

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Copyright Office rather than spend the Court's time and both parties' monies to litigate a motion to dismiss, or withdrawing and subsequently re-filing the matter. However, we recognize clearly that neither the patience of the Court nor that of the defendants is infinite.

Thank you for your consideration of this application.

Very truly yours,

Eric Rotbard

EJR/jg
enclosure

cc.: Charles Sims, Esq.

<i>Request DENIED. The conceded inability of plaintiff to confer the infringement alleged on the original complaint raises concerns about the Court's subject matter jurisdiction over this action as now filed. The Clerk of Court is directed to dismiss the complaint without prejudice to refiling.</i>	
SO ORDERED: in the event plaintiff obtains the necessary confirmation of the material at issue.	
8-13-07	<i>[Signature]</i>
DATE	VICTOR MARRERO, U.S.D.J.

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